

# Undocumented Students

## *Instructor Guide*

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### Objectives

- Have participants understand what is meant by “undocumented” student.
- Explain what aid is available to undocumented students.
- Discuss strategies for counseling undocumented students.

### Materials

- PowerPoint Presentation
- Instructor’s Guide
- Handout

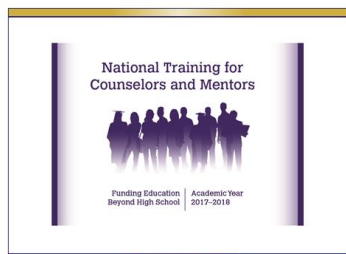
### Trainer Tips

- This instructor’s guide is just that, a guide. If you feel more comfortable training from the Power Point presentation, feel free to do so.
- Financial aid for undocumented students is a sensitive topic. Keep the presentation as neutral as possible and be prepared for participants to express strong opinions.
- A number of states have recently debated legislation which would allow undocumented students to receive in-state or resident tuition and public postsecondary institutions. For updated information regarding which states have enacted legislation or are considering such bills, please visit <http://www.ncsl.org/default.aspx?tabid=12876>.

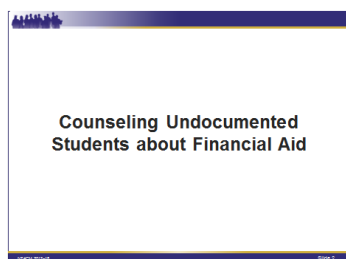
# PowerPoint Outline

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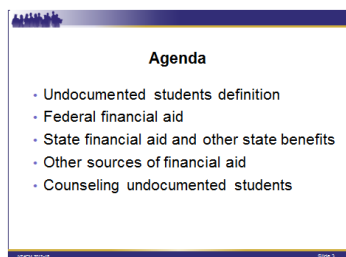
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## Content

**Note to Instructor:** This section of the materials provides a high level overview of the financial aid options available to undocumented students. It does not make any judgments on what aid, if any, should be available to this population. Be prepared for participants to express strong opinions on the topic.

People all over the world dream of having a better life, especially for their children. To achieve this dream, individuals may risk everything to get to a place—such as the United States—where this dream appears reachable. The availability of opportunity in the U.S. has led about 11.2 million people to live in the U.S. illegally. Because all children in the U.S., regardless of their legal status, possess the right to an elementary and secondary school education, being aware of the financing options available to undocumented students who contemplate higher education is an important topic.

**Note to Instructor:** The above number is from a report released by the Pew Hispanic Trust in early 2015. The number of persons living in the U.S. illegally hasn't changed much from 2009, although individual states have seen either an increase or decline in this sub-population.

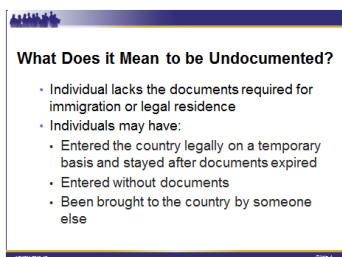
In this module, we will discuss the following topics:

- Undocumented students;
- Federal financial aid;
- State aid;
- Other aid sources; and
- Counseling undocumented students.

**Note to Instructor:** Before proceeding with the next part of the presentation, ask participants if they counsel undocumented students regarding financial aid for postsecondary education. If the answer is yes, ask if the situation comes up more frequently than it did in the past.

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**What Does it Mean to be Undocumented?**

- Individual lacks the documents required for immigration or legal residence
- Individuals may have:
  - Entered the country legally on a temporary basis and stayed after documents expired
  - Entered without documents
  - Been brought to the country by someone else

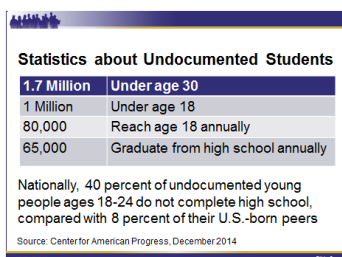
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**Statistics about Undocumented Residents**

- Approximately 75% are from Mexico and Latin America
- The majority live in six states: California, Texas, New York, Illinois, Florida and Arizona
- Other states have seen significant growth in undocumented residents in the past 10-15 years

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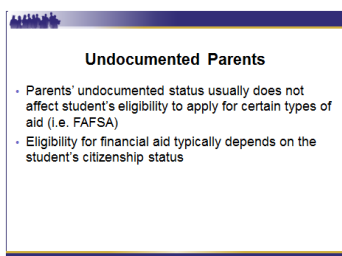
**Statistics about Undocumented Students**

1.7 Million	Under age 30
1 Million	Under age 18
80,000	Reach age 18 annually
65,000	Graduate from high school annually

Nationally, 40 percent of undocumented young people ages 18-24 do not complete high school, compared with 8 percent of their U.S.-born peers

Source: Center for American Progress, December 2014

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**Undocumented Parents**

- Parents' undocumented status usually does not affect student's eligibility to apply for certain types of aid (i.e. FAFSA)
- Eligibility for financial aid typically depends on the student's citizenship status

## Content

Before we talk about the financial aid that is available to undocumented students, it would be a good idea to make sure that we are all on the same page about what we mean when we talk about undocumented students.

➔ *Refer participants to page 1 of the handout.*

Simply put, undocumented means an individual lacks the documents required for immigration or legal residence. Individuals may have entered the U.S. legally on a temporary basis and stayed in the country after their documents expired. Others chose to enter without obtaining legal permission to do so. Many children are brought into the U.S. illegally by their parents, thus playing no part in their current situation.

The majority of undocumented immigrants, about 75 percent, are from countries in North, Central, and South America. Of these 61 percent are from Mexico and 14 percent from Latin America. The states with the largest numbers of undocumented residents are California, Texas, New York, Illinois, Florida, and Arizona. However, areas outside of these states have seen significant growth in the number of undocumented residents in the past 10 to 15 years.

Of the undocumented population, approximately 1.7 million are under age 30 and over 1 million are children under age 18. Another four million children are U.S. citizens by birth, although their parents are undocumented. The Urban Institute estimates that approximately 65,000 undocumented students graduate from U.S. high schools every year.

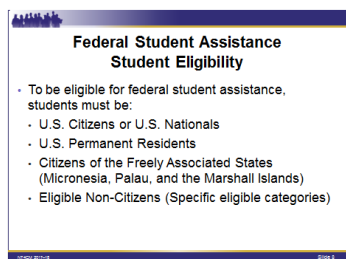
**Note to Instructor:** *The statistics cited above come from*

*[www.statemaster.com](http://www.statemaster.com), [www.procon.org](http://www.procon.org), and [www.pewhispanic.org](http://www.pewhispanic.org).*

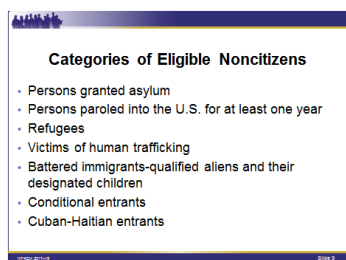
As we just noted above, a large number of children who are themselves U.S. citizens have parents who are undocumented. Before we start discussing the types of aid available to undocumented students, it is important to point out that the parents' undocumented status usually does not affect the student's eligibility to apply for certain types of aid. Eligibility depends on the student's status, not the status of his or her parents. For example, a student must be a U.S. citizen or eligible noncitizen to receive federal financial aid. The applicant's parents do not have to have legal standing in the U.S. for their child to receive federal financial aid, with the exception of a parent PLUS loan.

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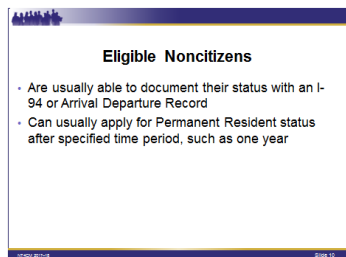
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## Content

To be eligible to receive federal financial aid, including Federal Pell Grants and Stafford Loans, students must be:

- U.S. citizens or nationals;
- U.S. permanent residents;
- Citizens of the Freely Associated States, which include the Federated States of Micronesia, Palau, and the Marshall Islands; or
- Other eligible noncitizens.

**Note to Instructor:** All U.S. citizens are also U.S. nationals, but some U.S. nationals are not citizens. Natives of American Samoa and Swain's Island are U.S. nationals but are not citizens.

- Citizens of the Freely Associated States are eligible to receive aid from only some of the federal financial aid programs.

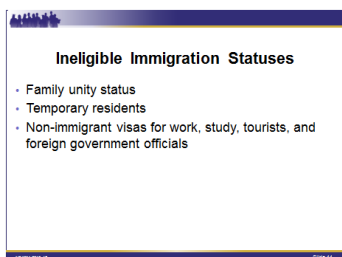
There are a number of categories of eligible noncitizens whom are eligible to receive federal financial aid. They include:

- Persons granted asylum;
- Persons paroled into the U.S. for at least one year;
- Refugees;
- Victims of human trafficking;
- Battered immigrants-qualified aliens and their designated children;
- Conditional entrants; and
- Cuban-Haitian entrants.

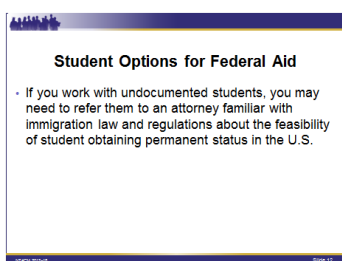
Individuals who fall into one of these groups can often document their status with an I-94, which is also known as an Arrival-Departure Record. Other forms of documentation are acceptable. Eligible noncitizens can usually apply for permanent residence in the U.S. after a specified period of time, such as one year.

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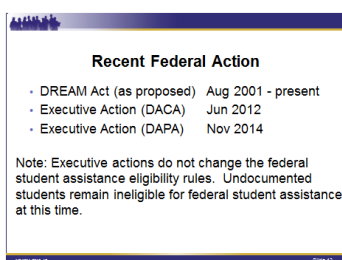
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## Content

You should be aware that there are some common immigration statuses that **do not** make the holders eligible to receive federal financial aid.

They include:

- Family unity status;
- Temporary residents; and
- Persons with non-immigrant visas, such as those for work, students, tourists, and foreign government officials.

As you can tell from our discussion, in order to be eligible for federal financial aid, a student must have permanent status in the U.S., or an avenue to apply for permanent status. As you interact with students, you will become aware of their individual situations. You may need to refer undocumented students to an attorney familiar with immigration law and regulations about the feasibility of the student obtaining permanent status in the U.S.

Now that we have spent some time talking about the eligibility of undocumented students for federal financial aid, let's turn our attention to federal and state actions that could impact undocumented students.

**Note to Instructor:** Information regarding state action on undocumented students and postsecondary education can be found at

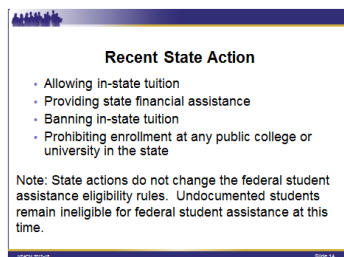
<http://www.ncsl.org/research/education/undocumented-student-tuition-federal-action.aspx>

➔ Ask participants to turn to page 2 of their handout for the following discussion.

Recent federal action such as the DREAM Act (as proposed), Deferred Action for Childhood arrivals (DACA) and Deferred Action for Parents of Americans (DAPA) have impacted (or have the potential to impact) undocumented students. But keep in mind that these Actions do not effect federal student assistance eligibility rules. Also, some of these Actions have been the subject of legal challenges, so it is important to stay abreast of on-going legal decisions regarding these and other policies effecting undocumented students.

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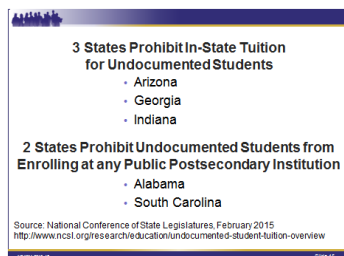
**Recent State Action**

- Allowing in-state tuition
- Providing state financial assistance
- Banning in-state tuition
- Prohibiting enrollment at any public college or university in the state

Note: State actions do not change the federal student assistance eligibility rules. Undocumented students remain ineligible for federal student assistance at this time.

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### **Slide 15**



**3 States Prohibit In-State Tuition for Undocumented Students**

- Arizona
- Georgia
- Indiana

**2 States Prohibit Undocumented Students from Enrolling at any Public Postsecondary Institution**

- Alabama
- South Carolina

Source: National Conference of State Legislatures, February 2015  
<http://www.ncsl.org/research/education/undocumented-student-tuition-overview>

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**18 States Currently Allow In-State Tuition for Undocumented Students**

• California	• New Jersey
• Colorado	• New Mexico
• Connecticut	• New York
• Florida	• Oklahoma
• Illinois	• Oregon
• Kansas	• Rhode Island
• Maryland	• Texas
• Minnesota	• Utah
• Nebraska	• Washington

Source: National Conference of State Legislatures, February 2015  
<http://www.ncsl.org/research/education/undocumented-student-tuition-overview>

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## Content

The response to the need for education among the undocumented population has varied by state. Regardless of the stance taken by your state, it is worth reiterating that state laws and policies do not change the federal student assistance eligibility rules and undocumented students remain ineligible for federal aid at the present time.

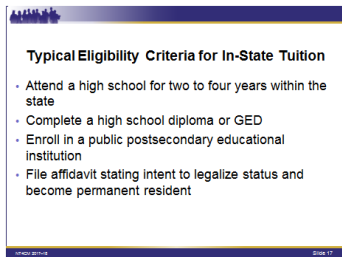
In 2015, three states, Arizona, Georgia and Indiana prohibit in-state tuition for undocumented students. An additional two states have taken a further step to legally prohibit undocumented students from enrolling at any public postsecondary institution.

*Note to Instructor: If participants want to change the laws in these states, they should contact the individual state Governor's and their state representatives.*

A growing number of states provide in-state tuition for undocumented residents of their state. As of February 2015, eighteen states provide in-state tuition – enabling students in their state to access higher education without paying out-of-state tuition and fees.

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**Typical Eligibility Criteria for In-State Tuition**

- Attend a high school for two to four years within the state
- Complete a high school diploma or GED
- Enroll in a public postsecondary educational institution
- File affidavit stating intent to legalize status and become permanent resident

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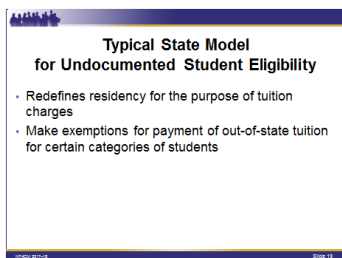
**Currently 5 States have Provisions Allowing State Financial Aid for Undocumented Students**

- California
- Minnesota
- New Mexico
- Texas
- Washington

Source: National Conference of State Legislatures, February 2015  
<http://www.ncsl.org/research/education/undocumented-student-tuition-overview>

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**Typical State Model for Undocumented Student Eligibility**

- Redefines residency for the purpose of tuition charges
- Make exemptions for payment of out-of-state tuition for certain categories of students

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Among the 18 states, there is some commonality in determining eligibility for in-state tuition. Usually it involves requiring a high school degree or GED; requiring that the undocumented student enroll in a public college or university; and that he or she file an affidavit stating an intent to legalize status and become a permanent resident.

At present, five states have provisions allowing state financial aid awards to undocumented students. The states are California, Minnesota, New Mexico, Texas and Washington. Depending on their resources, postsecondary institutions may be able to offer undocumented students financial aid in the form of scholarships, grants, loans, or a work-study program. The availability of institutional aid varies widely among colleges. Institutions with larger endowments, such as well-known independent colleges, may be in a better position to award funds. Scholarship funds especially come with a merit component, so encourage students to perform to the best of their potential. For more information about the process, individuals should contact the agency for higher education in those particular states.

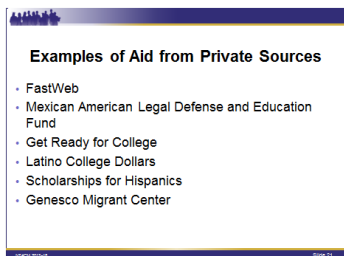
States that award in-state tuition to undocumented students follow a typical model that involves redefining the residency of the student for the purpose of tuition charges, and/or making exemptions for payment of out-of-state tuition for certain categories of students.

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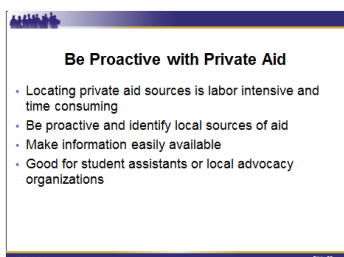
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## Content

We will now discuss other sources of financial aid for undocumented students, including colleges and universities as well as private sources.

➔ **Direct participants to page 3 of the Handout to follow along with the discussion.**

The eligibility for and type of financial aid that undocumented students can receive varies by institution. Therefore if you are uncertain, you can advise a student to contact (or help them contact) an institution of interest to the student to inquire.

As we all know, another source of financial aid is private sources, such as foundations, churches, and social organizations. The criteria for these awards, as well as the amount available, vary widely. Sources for scholarship information for undocumented students include:

- Fast Web;
- Mexican American Legal Defense and Education Fund;
- Get Ready for College;
- Scholarships for Hispanics; and
- Genesco Migrant Center.

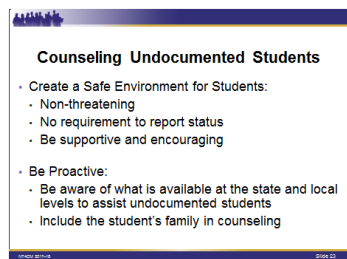
The websites for these sources are listed in your Handout on page 3.

Being proactive is important. Many students are intimidated by the college planning process or may be hesitant to disclose their citizenship status. You can help mitigate this by locating information about private sources of aid and keeping it on hand to counsel undocumented students; possibly translating the information into other languages (especially Spanish); posting information or links on your organizations website; and working with local and regional advocacy organizations for helpful information, tools and resources you can use to counsel students and their families.

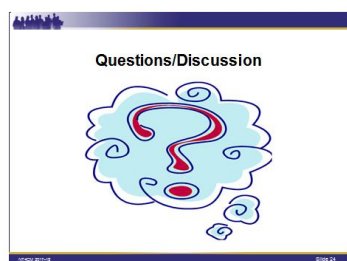


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## Content

**Note to Instructor:** Lead the group in a discussion of counseling strategies. Possible discussion questions include:

- What financial aid information do you currently make available to undocumented students?
- Do you conduct “financial aid night” type presentations for this population?
- How often do undocumented students seek out information about financial aid?

A crucial element to effectively counseling undocumented students about financial aid is being aware of what assistance is available to them from you state and local and private sources. If at all possible, you should be proactive about making information available to students and their families. It is also important that you be as supportive as possible as undocumented students confront the challenge of financing a postsecondary education.

**Note to Instructor:** Ask the participants if they have any remaining questions.

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